

REMARKS

This paper is filed in response to the Non-Final Office Action, mailed October 2, 2007. This response is being filed on February 4, 2008 (February 2, 2008 fell on a Saturday) together with a Petition for a one (1) month extension of time; therefore, this response is to be considered timely. The Commissioner is authorized to charge Applicants' **Deposit Account No. 19-0365** for the Petition fee (and any additional fees that the Commissioner believes are due in connection with this application).

Status of Claims

Claims 15-23, 30-31, and 58-93 are pending in the application.

Claims 1-14 and 24-29 and 32-57 are canceled.

Claims 92 and 93 are new. Support for claims 92 and 93 may be found in the application as originally filed, e.g., in the compounds depicted in claims 16-21. No new matter has been introduced by the amendments.

Claims 18-21, 58-63, and 66-91 are pending but withdrawn from current consideration as being drawn to non-elected subject matter.

Claim 15 has been amended by this response to convert it to an independent claim, and for the reasons discussed below. Claims 17-22, 30, 58, 60, 64, 66, 70, 74, 76, 78, 82, 86, and 88 have been amended by this response regarding their dependencies. Support for the amendment to claim 15 may be found in the application as originally filed, e.g., in the compounds depicted in claims 16-21. No new subject matter has been added with the filing of this amendment.

Lack of Unity/Improper Markush Rejection

Claims 1-17, 23, 30, 31, 64, 65, and 92 allegedly lack unity of invention and are drawn to an improper Markush group. Applicants respectfully disagree. However, Applicants respectfully submit that this objection has been rendered moot by the foregoing claim amendments and request that the entire scope of the pending claims be examined and passed to issue.

Moreover, Applicants have by the foregoing amendment restricted the scope of the pending claims such that a determination that the compounds of Formula II (claim 15) are allowable would render the remaining pending claims allowable and the currently withdrawn claims ripe for rejoinder. Applicants respectfully request the same.

Rejection under 35 U.S.C. §112, second paragraph

Claim 16 was rejected for lack of a period. The requested correction has been made; accordingly, it is respectfully requested that this rejection be withdrawn.

Rejection under 35 U.S.C. §102(b)

Claims 1-7, 10, 11, 22, 23, 30, 31, 64, 65, and 92 were rejected under §102(b) as being anticipated by Campbell et al. (Reference A, cited by the Examiner.) Applicants respectfully disagree with the determination of the relevance of Campbell et al.; however, this rejection is believed to be moot in view of the foregoing amendment. Withdrawal of the rejection is respectfully requested.

Claims 1-15, 22, 23, 30, 31, 64, 65, and 92 were rejected under §102(b) as being anticipated by Truce et al. (Reference U, cited by the Examiner), for its disclosure of the compound 1, 2 bis-(p-tolylsulfonyl)-benzene. Applicants respectfully request withdrawal of this rejection in view of the foregoing claim amendments, which render this rejection moot by excluding the Truce et al. compound from the scope of claim 15, and also from the scope of new claims 92 and 93. Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to modify 1, 2 bis-(p-tolylsulfonyl)-benzene or any of the compounds recited by Truce et al to arrive at any of the claimed compounds. Truce et al. is limited to a discussion of the preparation and stereochemistry of certain *bis* compounds. The reference contains no teaching or suggestion to substitute the tolylsulfonyl groups with any of the functionality of the claimed compounds for any reason, or that such modifications would result in compounds being useful as CB2 receptor ligands. Indeed, such modification of the Truce et al. compound may

apparently render it unsuitable for its intended purpose. See MPEP § 2143.03, part V ("The proposed modification cannot render the prior art unsatisfactory for its intended purpose"). Accordingly, Applicants respectfully request this rejection be withdrawn.

Request for Rejoinder and Allowance

The Examiner restricted the originally presented claims into Groups I-VI in the Office Action dated May 4, 2006. Applicants acknowledge with appreciation the indication that claim 17 is drawn to allowable subject matter. Applicants respectfully point out, however, that the broadest genus defined by Formula II, claim 15 is believed to be free of the prior art as amended and that each of the pending claims depends from or otherwise includes the limitations of this claim. As such, Applicants respectfully submit that all formerly withdrawn claims are ripe for rejoinder. Moreover, Applicants respectfully submit that all of the pending claims are free of the prior art and in condition for allowance. Early and favorable indication of the same is earnestly solicited.

The Examiner is invited to contact the undersigned if she believes that such communication would further prosecution.

Respectfully submitted,



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